

Bank Directive on NSF Trust Checks

On February 20, 1995, the Supreme Court approved the amendment of Rule 10.2(f) of the Rules of Professional Conduct. The rule now requires a lawyer to direct each bank where he or she maintains a trust account to notify the State Bar when any check drawn on the trust account is **presented for payment** against insufficient funds. The rule previously required lawyers to direct each bank where a trust account is maintained to notify the State Bar when a check was returned for lack of sufficient funds. To comply with the amended rule, every lawyer or law firm that maintains a trust account must file a directive with the bank where the account is maintained instructing the bank to notify the Executive Director of the State Bar when any check drawn on the trust account is presented for payment against insufficient funds. The notice form below should be used for this purpose.

The amendment of Rule 10.2(f), which is now Revised Rule 1.15-2(k), also effects the inquiries on the Certificate of Voluntary Audit which is filed by lawyers who wish to be exempt from audit by the State Bar for a period of 15 months. A copy of the revised Certificate of Audit may be obtained by calling the North Carolina State Bar at (919) 828-4620.

Notice and Authorization: Concerning Attorney Trust Account Checks Presented Against Insufficient Funds

To: _____
Financial Institution

Pursuant to Revised Rule 1.15-2(k), (formerly Rule 10.2(f)), of the North Carolina State Bar Revised Rules of Professional Conduct you are hereby authorized and directed to transmit immediate notice to the Executive Director of the North Carolina State Bar of any check drawn on the trust account(s) or fiduciary accounts listed below which is presented for payment against insufficient funds.

Acct. No. _____	Acct. Name. _____
Acct. No. _____	Acct. Name . _____
Acct. No. _____	Acct. Name . _____
This the _____ day of _____, 200_____	

Signature

North Carolina State Bar
PO Box 25908
Raleigh, NC 27611